

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

KATHERINE A. STRUS,	§	CIVIL ACTION
	§	
	§	
PLAINTIFF,	§	
	§	
VS.	§	NO. 5:22-cv-1025
	§	
LTF CLUB OPERATIONS COMPANY, INC.,	§	
	§	
DEFENDANT.	§	

NOTICE OF REMOVAL

Notice is hereby given that Defendant LTF CLUB OPERATIONS COMPANY, INC. removes this action from the 37th Judicial District Court of Bexar County, Texas, to this Honorable Court pursuant to 28 U.S.C. §§ 1332(a), 1441, and 1446 and, as grounds for removal, state as follows:

STATE COURT ACTION

1. Plaintiff Katherine A. Strus, through her counsel, Jason J. Jakob, filed Plaintiff's Original Petition in the 37th Judicial District Court of Bexar County, Texas, in an action styled "Katherine A. Strus v. LTF Club Operations Company, Inc.," Cause No. 2022CI13970 (the "State Court Action"). The State Court Action was filed against Defendant LTF Club Operations Company, Inc. ("Lifetime" or "Defendant") on July 26, 2022. Lifetime was served on or about August 26, 2022. This removal is being filed prior to Defendant's answer deadline.

PAPERS FROM REMOVED ACTION

2. Pursuant to 28 U.S.C. § 1446(a), this Notice of Removal is accompanied by copies of the following documents.

Exhibit 1: State Court Docket Sheet

Exhibit 1-A: Plaintiff's Original Petition

Exhibit 1-B: Request for Issuance and Citation on LTF Club Operations Company, Inc.

Exhibit 1-C: Return of Service

Exhibit 2: Civil Coversheet

Exhibit 3: Supplemental Civil Coversheet

3. Pursuant to 28 U.S.C. § 1446(d), with the filing of this Notice of Removal, Defendant is simultaneously (a) serving Plaintiff with a copy of this Notice of Removal, and (b) filing a copy of the Notice of Removal in the District Court of Bexar County, Texas. A copy of the Notice of Removal filed in the State Court Action is attached hereto as **Exhibit 4**.

TIMELINESS OF REMOVAL

4. In accordance with 28 U.S.C. §§ 1446(b), this Notice of Removal has been timely filed. Defendant was served on August 26, 2022 with the summons and Original Petition. This Notice of Removal is being filed within thirty (30) days after Defendant was served with the summons and Original Petition, and has been filed within one year of the commencement of the State Court Action.

VENUE

5. Venue of this removal is proper under 28 U.S.C. §§ 1441(a) because this Court is the United States District Court for the district and division corresponding to the place where the State Court Action was pending.

DIVERSITY OF CITIZENSHIP

6. This Court has original subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1332.

7. Plaintiff is an individual so her citizenship for diversity purposes is determined by where her domicile is. The Plaintiff, Katherine A. Strus, alleges that she is “an individual Virginia resident residing in Fairfax County, Virginia.” See **Exhibit 1-A**, Original Petition paragraph 2. Thus, Plaintiff is a resident of Virginia.

8. Defendant LTF Club Operations Company, Inc. is a Minnesota corporation with its principal place of business at 2902 Corporate Place, Chanhassen, Minnesota 55317-4560. A corporation is a citizen of the state where it is incorporated and the state where it has its principal place of business. See 28 U.S.C. §§ 1332(c)(1); *Lincoln Prop. Co. v. Roche*, 546 U.S. 81, 88-89 (2005). Thus, LTF Club Operations Company, Inc. is a citizen of Minnesota.

AMOUNT IN CONTROVERSY

9. There is now—and there was at the time of commencement of this lawsuit—complete diversity of citizenship among the proper parties and the amount in controversy is in excess of the jurisdictional minimum of this court.

10. Where a defendant can show, by a preponderance of the evidence, that the amount in controversy is greater than the jurisdictional minimum, removal is proper. *White v. FCI U.S.A., Inc.*, 319 F.3d 672, 675-676 (5th Cir. 2003). A defendant can meet this burden if it is “facially apparent” from the petition that the amount in controversy exceeds \$75,000. *Manguno v. Prudential Prop. & Cas. Ins. Co.*, 276 F.3d 720, 723 (5th Cir. 2002).

11. In this case, Plaintiff seeks monetary relief “[v]alued, at minimum, ONE HUNDRED THOUSAND DOLLARS,” as well as reimbursement of dues totaling \$2,571.36,

according to her Petition (Paragraphs 23-24). As such, the amount in controversy exceeds \$75,000, exclusive of interest, costs, and attorney fees.

12. Therefore, this Court has original jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1332, and this case is within this Court's removal jurisdiction pursuant to 28 U.S.C. § 1441 (a) and (b).

NOTICE OF FILING NOTICE OF REMOVAL

13. In accordance with 28 U.S.C. § 1446(d), Defendant has filed a copy of this Notice with the Clerk of the 37th Judicial District Court of Bexar County, Texas, to effect this removal.

WHEREFORE, Defendant hereby removes this action to this Court for all future proceedings and trial.

Respectfully submitted,

SPENCER FANE, LLP

Respectfully submitted,

/s/ John G. Browning

JOHN G. BROWNING

State Bar No. 03223050

jbrowning@spencerfane.com

SPENCER FANE, LLP

5700 Granite Parkway, Ste. 650

Plano, Texas 75024

(972) 324-0320 (Telephone)

(972) 324-0301 (Telecopier)

**ATTORNEYS FOR DEFENDANT
LTF CLUB OPERATIONS COMPANY, INC.**

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing Notice of Removal has been forwarded via ECF and electronic mail, on this the 16th day of September, 2022 to the following:

Jason J. Jakob
The Jakob Law Firm, P.C.
1100 N.E. Loop 410, Suite 200
San Antonio, Texas 78209
jjakob@thejakoblaw.com

/s/ John G. Browning
John G. Browning

EXHIBIT 1

37th District Court**Case Summary****Case No. 2022CI13970****Katherine A Strus VS LTF CLUB
OPERATIONS COMPANY, INC**

§ Location
§ **37th District Court**
§ Judicial Officer
§ **37th, District Court**
§ Filed on
§ **07/26/2022**

Case Information

Case Type: CONSUMER/DTPA
Case Status: **07/26/2022 Pending**

Assignment Information

Current Case Assignment

Case Number 2022CI13970
Court 37th District Court
Date Assigned 07/26/2022
Judicial Officer 37th, District Court

Events and Orders of the Court

07/26/2022 New Cases Filed (OCA)
07/26/2022 PETITION
08/19/2022 REQUEST FOR SERVICE AND PROCESS
08/23/2022 **Citation**
08/31/2022 RETURN OF SERVICE - SUCCESSFUL
LTF CLUB OPERATIONS COMPANY, INC

EXHIBIT 1-A

8/26/2022
12:54 PM
RB

Case Number: 2022CI13970

Katherine A Strus VS LTF CLUB OPERATIONS
COMPANY, INC
(Note: Attached Document May Contain Additional
Litigants)

IN THE 37TH DISTRICT COURT

BEXAR COUNTY, TEXAS

CITATION

"THE STATE OF TEXAS"

Directed To: **LTF CLUB OPERATIONS COMPANY, INC**
By Serving Its Registered Agent: Cogency Global Inc

"You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00am on the Monday next following the expiration of twenty days after you were served this CITATION and PETITION a default judgment may be taken against you. In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at TexasLawHelp.org" Said Plaintiff's Original Petition was filed on this the 26th day of July, 2022.

ISSUED UNDER MY HAND AND SEAL OF SAID COURT on this the 23rd day of August, 2022.

Jason J. Jakob
ATTORNEY FOR PLAINTIFF
1100 NE Loop 410, Ste 200
San Antonio TX 78209



Mary Angie Garcia
Bexar County District Clerk
101 W. Nueva, Suite 217

San Antonio, Texas 78205
By: /s/ Mario Hernandez
Mario Hernandez, Deputy

KATHERINE A STRUS VS LTF CLUB OPERATIONS COMPANY,
INC

Case Number: 2022CI13970

37th District Court

Officer's Return

I received this CITATION on the _____ day of _____, 20____ at _____ o'clock ____M. and () executed it by delivering a copy of the CITATION with attached PLAINTIFF 'S ORIGINAL PETITION the date of delivery endorsed on it to the defendant _____ in person on the _____ day of _____, 20____ at _____ o'clock ____ M.

at _____ City _____ State _____ Zip _____

or () not executed because _____.

Fees: _____ Badge/PPS #: _____ Date certification expires: _____

_____ County, Texas

BY: _____

OR: VERIFICATION OF RETURN (If not served by a peace officer) SWORN TO THIS _____

NOTARY PUBLIC, STATE OF TEXAS

OR: My name is _____, my date of birth is _____, and my address is _____ County.

I declare under penalty of perjury that the foregoing is true and correct. Executed in _____ County, State of Texas, on the _____ day of _____, A.D., _____.

Declarant

CAUSE NO. 2022CI13970

KATHERINE A. STRUS
PLAINTIFF

§
§
§
§
§
§
§
§

IN THE DISTRICT COURT

V.

_____ DISTRICT

LTF CLUB OPERATIONS
COMPANY, INC
DEFENDANT

BEXAR COUNTY, TEXAS

PLAINTIFF'S ORIGINAL PETITION

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES, Plaintiff, **KATHERINE A. STRUS** (hereinafter, referenced as "**Dr. Strus**" or "**Plaintiff**"), complaining of and about **LTF CLUB OPERATIONS COMPANY, INC.** (hereinafter, referenced as "**Lifetime**" or "**Defendant**"), and for cause of action shows unto the Court the following:

I.

DISCOVERY CONTROL PLAN LEVEL

1. Plaintiff intends that discovery be conducted under Discovery Level 3.

II.

PARTIES AND SERVICE

2. Plaintiff, Dr. Strus is an individual Virginia resident residing in Fairfax County, Virginia. The last three digits of Plaintiffs Texas Drivers License number are 945. The last three digits of Plaintiffs Social Security number are 490.

3. Defendant, Lifetime, is a Minnesota Corporation, with its principal place of business in 2902 CORPORATE PL CHANHASSEN, MN 55317-4560. Lifetime may be served with process by and through COGENCY GLOBAL INC., at their place of business 1601 ELM ST. SUITE 4360 DALLAS, TX 75201 or wherever they may be found.

III.

JURISDICTION AND VENUE

4. The subject matter in controversy is within the jurisdictional limits of this Court.
5. This court has personal jurisdiction herein under the Texas Long-Arm Statute, Chapter 17 of the Texas Civil Practice and Remedies Code, as defendant does business within the state of Texas.
6. Venue in Bexar County is proper in this cause pursuant to Section 17.56 of the Texas Business and Commerce Code, and under The Texas Civil Practice and Remedies Code because the transaction(s) that made the basis of this suit and/or the torts alleged all occurred in Bexar County, Texas.

IV.

FACTS

7. As a one who suffers from PTSD, Dr. Strus sought a workout space in which one on one training was available and a safe non-judgmental space could be used. She soon received an email from Lifetime advertising these qualities and subsequently decided to investigate.
8. On or about January 31, 2020, Dr. Strus visited and received a tour of the Lifetime Fitness located at 18510 US 281 N. San Antonio, Texas 78259.
9. She subsequently signed a contract with Lifetime that very day. During the tour, she asked whether stalking and harassment were tolerated behavior. She was informed it was not, though over the next eighteen (18) months, she soon learned it was not only tolerated, but actively encouraged.
10. A member of the gym, Chris, began stalking, bullying, and harassing Dr. Strus on or about June 3, 2020, and has continued until October 22, 2021. In 2020 alone, Dr. Strus documented, at a minimum, seven specific events with these events continuing into 2021 with at least thirteen events in 2021.
11. This individual constantly invaded Dr. Strus personal space, going out of their way to do

so, within inches of her, when little to no one else was actually at the gym.

12. Dr. Strus attempted to go through traditional channels to stop the activity from happening, but when she reported these actions to the general manager, Mr. Gonzales, nothing was done.

13. More than a dozen emails were sent to management and staff, and yet the activity continued. Even after seeking help from staff and management, Dr. Strus was told that the corporate risk management team advised her to “work with police,” as if to rid themselves of the obligation to help.

14. Dr. Strus did all she could within her power to amicably resolve these issues of harassment, including a complete alteration of when she would frequent the gym. Nevertheless, this proved to not be enough. When, after a brief reprieve from Chris’ harassment, the harassment continued, Dr. Strus was called by management and was again informed to change her schedule or to go to a different Lifetime Fitness location.

15. Dr. Strus was informed that her claims of harassment were making the staff uncomfortable and was told she should think about how she would feel if brought in and ‘falsely’ accused of something. Management subsequently directed Dr. Strus to stop talking to staff regarding the situation, stop emailing staff about the situation, and to stop incorporating others into the conversation about the situation. Dr. Strus was told by management that they did not want to cancel her membership, though a remark in that context is anything but care and consideration on their part.

16. This long running series of events have exacerbated Dr. Strus’ PTSD symptoms. Fear strikes her when she wakes up wondering whether she can work out before her stalker arrives. Panic attacks, flight responses, and constant anxiety now plague her because Lifetime never properly responded to her valid concerns. Instead, Lifetime staff blamed the victim, forced her to change her lifestyle, and did nothing to actively prevent this man’s behavior.

17. These incidents and the resulting trauma influenced Plaintiff’s decision to accept a new job and move out of state, resulting in costs of upward of \$15,000.

V.

CAUSES OF ACTION

A. NEGLIGENCE

18. Lifetime owed a legal duty to Dr. Strus. Lifetime had the duty to use ordinary care in managing the corporation's affairs. Lifetime also had the duty to exercise reasonable care to avoid a foreseeable risk of injury to others. Lifetime breached these duties, which foreseeably and proximately caused grievous harm and other damage to Dr. Strus as set forth below.

B. GROSS NEGLIGENCE

19. Lifetime performed an act, which, when viewed objectively from the standpoint of the actor at the time of its occurrence involves an extreme degree of risk, considering the probability and magnitude of the potential harm to others. Lifetime had actual, subjective awareness of the risk involved, but nevertheless proceeded with conscious indifference to the rights, safety, or welfare of others.

C. BREACH OF CONTRACT

20. The actions of Lifetime constitute a breach of the contract between Lifetime and Dr. Strus. There is a valid, enforceable contract between the parties. Dr. Strus is a proper party to bring suit for breach of contract. Dr. Strus performed, tendered performance of, or was excused from performing her contractual obligations. Lifetime breached the contract. Lifetime's breach caused Dr. Strus injury.

D. NEGLIGENT HIRING

21. The employer, Lifetime, owed Dr. Strus a legal duty to hire, supervise, train, or retain competent employees. The employer breached that duty. The breach proximately caused Dr. Strus's injury.

E. EXPRESS WARRANTY FOR SERVICES

22. Lifetime sold services to Dr. Strus. Lifetime made a representation to the Dr. Strus about

the quality or characteristics of the services in one of the following ways: by affirmation of fact, by promise, or by description. The representation became part of the basis of the bargain. The Lifetime breached the warranty. Dr. Strus notified Lifetime of the breach. Dr. Strus suffered injury.

IV.

DAMAGES

23. Lifetime's above listed liability caused the following damages: compensatory damages, medical expenses, mental anguish, injury to reputation, damages for economic injury, exemplary damages, interest, court costs, attorney's fees. Valued, at minimum, ONE HUNDRED THOUSAND DOLLARS AND NO CENTS (\$100,000).

24. Reimbursement of dues from Lifetime from January 31, 2020 to December 2021, at a rate of ONE HUNDRED SEVEN DOLLARS AND FOURTEEN CENTS (\$107.14) a month, totaling to TWO THOUSAND FIVE HUNDRED SEVENTY ONE DOLLARS AND THIRTY SIX CENTS (\$2,571.36).

VII.

CONDITIONS PRECEDENT

25. All conditions precedent required by the contract for recovery have occurred or have been performed by Plaintiff. See Exhibit No. 1 DTPA Demand Letter.

VIII.

ATTORNEY'S FEES

26. Dr. Strus is entitled to and request an award for all costs and reasonable and necessary attorney's fees incurred by or on behalf of Dr. Strus herein, including all of the reasonable and necessary attorney's fees to be incurred in the event of an appeal of this cause to the Court of Appeals and the Supreme Court of Texas, as the Court deems equitable and just, and as provided by: (a) Chapter 38 of the Texas Civil Practice and Remedies Code, (b) the Texas Deceptive Trade Practices Act, and (c) common law.

IX.

PRAYER

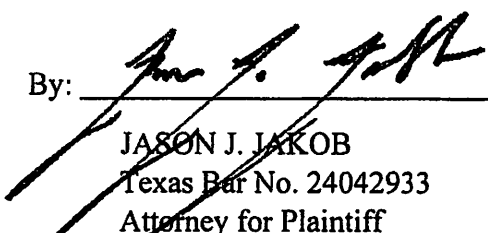
WHEREFORE, Plaintiff, **KATHERINE A. STRUS**, respectfully prays that the Defendant be cited to appear and answer herein, and that upon a final trial of this cause, judgment be entered for the Plaintiff against Defendant for the economic, actual and consequential damages requested hereinabove in an amount in excess of the minimum jurisdictional limits of the Court, exemplary damages, treble damages, together with prejudgment and post judgment interest at the maximum rate allowed by law, attorney's fees, costs of court, and such other and further relief to which the Plaintiff may be entitled at law or in equity, whether pled or unpled.

Respectfully submitted,

Law Offices of:

THE JAKOB LAW FIRM, P.C.
TETCO CENTER
1100 N.E. Loop 410, Suite 200
San Antonio, Texas 78209
Tel. (210) 226-4500
Fax. (210) 226-4502
E-mail / E-service: jjakob@thejakoblaw.com

By: _____


JASON J. JAKOB
Texas Bar No. 24042933
Attorney for Plaintiff
KATHERINE A. STRUS

PLAINTIFF HEREBY DEMANDS TRIAL BY JURY and HAS TENDERED THE APPLICABLE JURY FEE.

“EXHIBIT NO. 1”



The Jakob Law Firm, P.C.

1100 NE Loop 410 Ste. 200

San Antonio, TX 78209

The Jakob Law Firm, P.C.

JASON J. JAKOB, ESQ.
Founding and Senior Partner
jjakob@thejakoblaw.com

FORREST R. GOOD, ESQ.
Associate Attorney
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VICKY L. MCGOVERN
Paralegal
vmcgovern@jakoblaw.com

MR. ANDREW J. TEJEDA
Paralegal and Client Concierge
atejeda@thejakoblaw.com

November 3, 2021

LTF CLUB OPERATIONS COMPANY, INC.
Attention: COGENCY GLOBAL INC.
1601 ELM ST. SUITE 4360
DALLAS, TX 75201

RE: Our Client: Dr. Catherine A. Strus
Address: 16611 Stallion Cross
San Antonio, Texas 78247
Our File No: 0922-001

Dear Cogency Global Inc. or whom it may concern:

I. INTRODUCTION

Please be informed that Dr. Catherine A. Strus (hereinafter, referenced as "Dr. Strus") is represented by the above-named law firm. This Letter of Representation and Demand Letter serves as notice to LTF CLUB OPERATIONS COMPANY, INC. (hereinafter, referenced as "Lifetime"). We have been hired to represent Dr. Strus in order to obtain compensation for the negligence of Lifetime either through negotiation, or if need be, by pursuing legal claims for negligence, gross negligence, breach of contract, negligent hiring, and breach of express warranty for services.

II. FACTS

As a one who suffers from PTSD, Dr. Strus sought a workout space in which one on one training was available and a safe non-judgmental space could be used. She soon received an email from Lifetime advertising these qualities and subsequently decided to investigate.

On or about January 31, 2020, Dr. Strus visited and received a tour of the Life Time Fitness located at 18510 US 281 N. San Antonio, Texas 78259. She subsequently signed a contract with Lifetime that very day. During the tour, she asked whether stalking and harassment were tolerated behavior. She was informed it was not, though over the next eighteen (18) months, she soon learned it was not only tolerated, but actively encouraged.

A member of the gym, Chris, began stalking, bullying, and harassing Dr. Strus on or about June 3, 2020 and has continued until October 22, 2021. In 2020 alone, Dr. Strus documented, at a minimum, seven specific events with these events continuing into 2021 with at least thirteen events in 2021. This individual constantly invaded Dr. Strus personal space, going out of their way to do so, within inches of her, when little to no one else was actually at the gym.

Dr. Strus attempted to go through traditional channels to stop the activity from happening, but when she reported these actions to the general manager, Mr. Gonzales, nothing was done. More than a dozen emails were sent to management and staff, and yet the activity continued. Even after seeking help from staff and management, Dr. Strus was told that the corporate risk management team advised her to “work with police,” as if to rid themselves of the obligation to help.

Dr. Strus did all she could within her power to amicably resolve these issues of harassment, including a complete alteration of when she would frequent the gym. Nevertheless, this proved to not be enough. When, after a brief reprieve from Chris’ harassment, the harassment continued, Dr. Strus was called by management and was again informed to change her schedule or to go to a different Lifetime Fitness location. Dr. Strus was informed that her claims of harassment were making the staff uncomfortable, and was told she should think about how she would feel if brought in and ‘falsely’ accused of something. Management subsequently directed Dr. Strus to stop talking to staff regarding the situation, stop emailing staff about the situation, and to stop incorporating others into the conversation about the situation. Dr. Strus was told by management that they did not want to cancel her membership, though a remark in that context is anything but care and

consideration on their part.

This long running series of events have exacerbated Dr. Strus' PTSD symptoms. Fear strikes her when she wakes up wondering whether she can work out before her stalker arrives. Panic attacks, flight responses, and constant anxiety now plague her because Lifetime never properly responded to her valid concerns. Instead, Lifetime staff blamed the victim, forced her to change her lifestyle, and did nothing to actively prevent this man's behavior.

III. LEGAL CLAIMS

NEGLIGENCE—Lifetime owed a legal duty to Dr. Strus. Lifetime had the duty to use ordinary care in managing the corporation's affairs. Lifetime also had the duty to exercise reasonable care to avoid a foreseeable risk of injury to others. Lifetime breached these duties.

GROSS NEGLIGENCE— Lifetime performed an act, which, when viewed objectively from the standpoint of the actor at the time of its occurrence involves an extreme degree of risk, considering the probability and magnitude of the potential harm to others. Lifetime had actual, subjective awareness of the risk involved, but nevertheless proceeds with conscious indifference to the rights, safety, or welfare of others.

BREACH OF CONTRACT—The actions of Lifetime constitute a breach of the contract between Lifetime and Dr. Strus. There is a valid, enforceable contract between the parties. Dr. Strus is a proper party to bring suit for breach of the contract. Dr. Strus performed, tendered performance of, or was excused from performing its contractual obligations. Lifetime breached the contract. Lifetime's breach caused Dr. Strus injury.

NEGLIGENT HIRING—The employer, Lifetime, owed Dr. Strus a legal duty to hire, supervise, train, or retain competent employees. The employer breached that duty. The breach proximately caused the Dr. Strus's injury.

EXPRESS WARRANTY FOR SERVICES—The Lifetime sold services to the Dr. Strus. The Lifetime made a representation to the Dr. Strus about the quality or characteristics of the services in one of the following ways: By affirmation of fact, by promise, or by description. The representation became part of the basis of the bargain. The Lifetime breached the warranty. The Dr. Strus notified the Lifetime of the breach. The Dr. Strus suffered injury.

**IV.
DAMAGES**

Lifetime's above listed liability caused the following damages: compensatory damages, medical expenses, mental anguish, injury to reputation, damages for economic injury, exemplary damages, interest, court costs, attorney's fees. Valued, at minimum, ONE HUNDRED THOUSAND DOLLARS AND NO CENTS (\$100,000).

Reimbursement of dues from Lifetime from January 31, 2020 to today, at a rate of ONE HUNDRED SEVEN DOLLARS AND FOURTEEN CENTS (\$107.14) a month, totaling to TWO THOUSAND FOUR HUNDRED SIXTY FOUR DOLLARS AND NINETY ONE CENTS (\$2,464.91).

**IV.
NOTICE PROVISIONS**

PLEASE BE ADVISED!: This law firm is placing LTF CLUB OPERATIONS COMPANY, INC., and any subsequent entities, on notice of its duty to retain all evidence, in all forms, (whether, written or electronic) pertaining this incident which lead to a finding against our client, as there exists a substantial chance that a claim will be filed and that evidence in the LTF CLUB OPERATIONS COMPANY, INC.'s possession or control will be material and relevant to that claim and litigation is more than merely an abstract possibility, or unwarranted fear." Id. (quoting National Tank Co. v. Brotherton, 851 S.W.2d 193, 204 (Tex. 1993)).

THIS IS AN UNCONDITIONAL DEMAND MADE PURSUANT TO G.A. STOWERS FURNITURE CO. V. AMERICAN INDEMNITY CO., 15 S.W.2D 544 (TEX. COMM'N APP.

1929, HOLDING APPROVED) AND ITS PROGENY. IN EXCHANGE FOR PAYMENT OF THE MAXIMUM OF POLICY LIMITS, THE INSURED WILL BE PROVIDED WITH A FULL AND FINAL RELEASE OF ALL CLAIMS, INCLUDING WITHOUT LIMITATION ANY MEDICAL LIENS OR SUBROGATION INTERESTS. THIS DEMAND WILL BE HELD OPEN FOR A PERIOD OF SIXTY (60) DAYS, AFTER WHICH IT WILL AUTOMATICALLY EXPIRE.

V.

ACTIONS REQUESTED

My client's wish is to resolve this matter without having to file suit. Therefore, we request you, and your agents immediately:

1. Make payment in the amount of ONE HUNDRED AND TWO THOUSAND FOUR HUNDRED SIXTY-FOUR DOLLARS AND NINETY ONE CENTS (\$102,464.91) plus SEVEN THOUSAND, FIVE HUNDRED AND NO CENTS (\$7,500) dollars in attorney's fees to resolve this claim. This sum includes our client's economic damages, expenses, and attorney's fees to date in total of ONE HUNDRED AND NINE THOUSAND NINE HUNDRED AND SIXTY-FOUR DOLLARS AND NINETY ONE CENTS (\$109,964.91). These fees will increase if not promptly paid. If this sum is not paid within sixty (60) days of receipt of this letter and notice, suit will be filed against you.
2. Membership cancelation of the individual known as "Chris."

Should this claim reach litigation, we reserve the right to adjust these figures to conform with any and all additional evidence and/or information. Please be advised that under a lawsuit, our client will request an offset of all costs of court, deposition fees and necessary attorney fees necessary to prosecute this claim.

Please review our offer with your client and advise us of their reply at your earliest convenience. If you have any questions, please direct all future correspondence regarding the above-named client to my attention and make no attempt to communicate directly or indirectly with our client. I submit that a very serious consideration of this conservative demand should be given utmost consideration and a proper response is warranted. Please advise us as to your intentions as soon as possible.

With Very Best Regards,

THE JAKOB LAW FIRM, P.C.

By: _____
Jason J. Jakob, Esq.

JJJ/FRG/erm
Enclosure

Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Jason Jakob on behalf of Jason Jakob

Bar No. 24042933

jjakob@thejakoblaw.com

Envelope ID: 66675312

Status as of 7/26/2022 12:46 PM CST

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Jason JJakob		jjakob@thejakoblaw.com	7/26/2022 12:30:13 PM	SENT

EXHIBIT 1-B



Cause Number: 2022CI13970

District Court : 37th

MARY ANGIE GARCIA
Bexar County District Clerk

CIT PPS SAC3

Request for Process

Style: KATHERINE A. STRUS Vs. LTF CLUB OPERATIONS COMPANY, INC

Request the following process: (Please check all that Apply)

☒ Citation ☐ Notice ☐ Temporary Restraining Order ☐ Notice of Application for Protective Order
☐ Temporary Protective Order ☐ Precept with hearing ☐ Precept without a hearing ☐ Writ of Attachment
☐ Writ of Habeas Corpus ☐ Writ of Garnishment ☐ Writ of Sequestration ☐ Capias ☐ Other: _____

1.
Name: LTF CLUB OPERATIONS COMPANY, INC.
Registered Agent/By Serving: COGENCY GLOBAL INC.

Address 1601 Elm St. Suite 4360, Dallas, TX 75201

Service Type: (Check One) ☒ Private Process ☐ Commissioner of Insurance ☐ SA Express News ☐ Hart Beat ☐ Courthouse Door ☐ Certified Mail
☐ Registered Mail ☐ Out of County ☐ Secretary of State ☐ Constable 1 ☐ Constable 2 ☐ Constable 3 ☐ Constable 4

2.
Name: _____
Registered Agent/By Serving: _____

Address _____

Service Type: (Check One) ☐ Private Process ☐ Commissioner of Insurance ☐ SA Express News ☐ Hart Beat ☐ Courthouse Door ☐ Certified Mail
☐ Registered Mail ☐ Out of County ☐ Secretary of State ☐ Constable 1 ☐ Constable 2 ☐ Constable 3 ☐ Constable 4

3.
Name: _____
Registered Agent/By Serving: _____

Address _____

Service Type: (Check One) ☐ Private Process ☐ Commissioner of Insurance ☐ SA Express News ☐ Hart Beat ☐ Courthouse Door ☐ Certified Mail
☐ Registered Mail ☐ Out of County ☐ Secretary of State ☐ Constable 1 ☐ Constable 2 ☐ Constable 3 ☐ Constable 4

4.
Name: _____
Registered Agent/By Serving: _____

Address _____

Service Type: (Check One) ☐ Private Process ☐ Commissioner of Insurance ☐ SA Express News ☐ Hart Beat ☐ Courthouse Door ☐ Certified Mail
☐ Registered Mail ☐ Out of County ☐ Secretary of State ☐ Constable 1 ☐ Constable 2 ☐ Constable 3 ☐ Constable 4

Title of Document/Pleading to be Attached to Process: Citation and Original Petition

Name of Attorney/Pro se: Jason J. Jakob Bar Number: 24042933
Address: 1100 NE Loop 410, Suite 200 Phone Number: 210-226-4500
San Antonio, TX 78209

Attorney for Plaintiff Jason J. Jakob Defendant _____ Other _____

****IF SERVICE IS NOT PICKED UP WITHIN 14 BUSINESS DAYS, SERVICE WILL BE DESTROYED****

8/26/2022
12:54 PM
RB

Case Number: 2022CI13970

Katherine A Strus VS LTF CLUB OPERATIONS
COMPANY, INC
(Note: Attached Document May Contain Additional
Litigants)

IN THE 37TH DISTRICT COURT

BEXAR COUNTY, TEXAS

CITATION

"THE STATE OF TEXAS"

Directed To: **LTF CLUB OPERATIONS COMPANY, INC**
By Serving Its Registered Agent: Cogency Global Inc

"You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00am on the Monday next following the expiration of twenty days after you were served this CITATION and PETITION a default judgment may be taken against you. In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at TexasLawHelp.org" Said Plaintiff's Original Petition was filed on this the 26th day of July, 2022.

ISSUED UNDER MY HAND AND SEAL OF SAID COURT on this the 23rd day of August, 2022.

Jason J. Jakob
ATTORNEY FOR PLAINTIFF
1100 NE Loop 410, Ste 200
San Antonio TX 78209



Mary Angie Garcia
Bexar County District Clerk
101 W. Nueva, Suite 217

San Antonio, Texas 78205
By: /s/ Mario Hernandez
Mario Hernandez, Deputy

KATHERINE A STRUS VS LTF CLUB OPERATIONS COMPANY,
INC

Case Number: 2022CI13970

37th District Court

Officer's Return

I received this CITATION on the _____ day of _____, 20____ at _____ o'clock ____M. and () executed it by delivering a copy of the CITATION with attached PLAINTIFF 'S ORIGINAL PETITION the date of delivery endorsed on it to the defendant _____ in person on the _____ day of _____, 20____ at _____ o'clock ____ M.

at _____ City _____ State _____ Zip _____

or () not executed because _____.

Fees: _____ Badge/PPS #: _____ Date certification expires: _____

_____ County, Texas

BY: _____

OR: VERIFICATION OF RETURN (If not served by a peace officer) SWORN TO THIS _____

NOTARY PUBLIC, STATE OF TEXAS

OR: My name is _____, my date of birth is _____, and my address is _____ County.

I declare under penalty of perjury that the foregoing is true and correct. Executed in _____ County, State of Texas, on the _____ day of _____, A.D., _____.

Declarant

EXHIBIT 1-C

PRIVATE PROCESS

Case Number: 2022CI13970

Katherine A Strus VS LTF CLUB OPERATIONS
COMPANY, INC
(Note: Attached Document May Contain Additional
Litigants)

IN THE 37TH DISTRICT COURT

BEXAR COUNTY, TEXAS

CITATION

"THE STATE OF TEXAS"

Directed To: **LTF CLUB OPERATIONS COMPANY, INC**
By Serving Its Registered Agent: Cogency Global Inc

"You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00am on the Monday next following the expiration of twenty days after you were served this CITATION and PETITION a default judgment may be taken against you. In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at TexasLawHelp.org" Said Plaintiff's Original Petition was filed on this the 26th day of July, 2022.

ISSUED UNDER MY HAND AND SEAL OF SAID COURT on this the 23rd day of August, 2022.

Jason J. Jakob
ATTORNEY FOR PLAINTIFF
1100 NE Loop 410, Ste 200
San Antonio TX 78209



Mary Angie Garcia
Bexar County District Clerk
101 W. Nueva, Suite 217
San Antonio, Texas 78205
By: /s/ Mario Hernandez
Mario Hernandez, Deputy

KATHERINE A STRUS VS LTF CLUB OPERATIONS COMPANY,
INC

Case Number: 2022CI13970

37th District Court

Officer's Return

I received this CITATION on the 25th day of Aug., 2022 at 4 o'clock P.M. and ☒ executed it by delivering a copy of the CITATION with attached PLAINTIFF'S ORIGINAL PETITION the date of delivery endorsed on it to the defendant LTF Club Operations Company, Inc. 410
Wendy Hawkins, LTF Club Operations in person on the 26th day of Aug., 2022 at 12:54 o'clock P.M.
Cogency Global, Inc., Registered Agent
at 1101 Elm St #4360 City Dallas State TX Zip 75201

or () not executed because _____

Fees: _____ Badge/PPS #: 5307 Date certification expires: 6/30/24

Dallas County, Texas

BY: Wendy Bignon
Aug - 27, 2022
Wendy Bignon
NOTARY PUBLIC, STATE OF TEXAS

OR: VERIFICATION OF RETURN (If not served by a peace officer, sworn to by)
WENDY BIGNON
Notary Public, State of Texas
Comm. Expires 08-26-2026
Notary ID 5720909

OR: My name is _____, my date of birth is _____, and my address is _____ County.

I declare under penalty of perjury that the foregoing is true and correct. Executed in _____ County, State of Texas, on the _____ day of _____, A.D., _____.

Declarant

EXHIBIT 2

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Katherine A. Strus

(b) County of Residence of First Listed Plaintiff Virginia
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (*Firm Name, Address, and Telephone Number*)

Jason J. Jakob, The Jakob Law Firm, PC, 1100 NE Loop
410, Suite 200, San Antonio, TX 78209, (210) 226-4500

DEFENDANTS

LTF Club Operations Company, Inc.

County of Residence of First Listed Defendant Minnesota
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

John G. Browning, Spencer Fane LLP, 5700 Granite
Parkway, Ste 650, Plano, TX 75024, (972) 324-0320

II. BASIS OF JURISDICTION *(Place an "X" in One Box Only)*

- | | | | |
|----------------------------|---------------------------|---------------------------------------|---|
| <input type="checkbox"/> 1 | U.S. Government Plaintiff | <input type="checkbox"/> 3 | Federal Question
<i>(U.S. Government Not a Party)</i> |
| <input type="checkbox"/> 2 | U.S. Government Defendant | <input checked="" type="checkbox"/> 4 | Diversity
<i>(Indicate Citizenship of Parties in Item III)</i> |

III. CITIZENSHIP OF PRINCIPAL PARTIES *(Place an "X" in One Box for Plaintiff and One Box for Defendant)*

- | | PTF | DEF | | PTF | DEF |
|---|---------------------------------------|----------------------------|--|----------------------------|---------------------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated <i>or</i> Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input checked="" type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated <i>and</i> Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input checked="" type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT		TORTS		FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance	PERSONAL INJURY	<input type="checkbox"/> 310 Airplane	PERSONAL INJURY	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 375 False Claims Act	
<input type="checkbox"/> 120 Marine		<input type="checkbox"/> 365 Personal Injury - Product Liability		<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 376 Qui Tam (31 USC 3729(a))		
<input type="checkbox"/> 130 Miller Act		<input type="checkbox"/> 367 Health Care/ Pharmaceutical Personal Injury Product Liability			<input type="checkbox"/> 400 State Reapportionment		
<input type="checkbox"/> 140 Negotiable Instrument		<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability			<input type="checkbox"/> 410 Antitrust		
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment		PERSONAL PROPERTY			<input type="checkbox"/> 430 Banks and Banking		
<input type="checkbox"/> 151 Medicare Act		<input type="checkbox"/> 370 Other Fraud			<input type="checkbox"/> 450 Commerce		
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans)		<input type="checkbox"/> 371 Truth in Lending			<input type="checkbox"/> 460 Deportation		
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits		<input type="checkbox"/> 380 Other Personal Property Damage			<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations		
<input type="checkbox"/> 160 Stockholders' Suits		<input type="checkbox"/> 385 Property Damage Product Liability			<input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692)		
<input type="checkbox"/> 190 Other Contract					<input type="checkbox"/> 485 Telephone Consumer Protection Act		
<input type="checkbox"/> 195 Contract Product Liability	CIVIL RIGHTS	PRISONER PETITIONS	LABOR	<input type="checkbox"/> 710 Fair Labor Standards Act	SOCIAL SECURITY	<input type="checkbox"/> 490 Cable/Sat TV	
<input type="checkbox"/> 196 Franchise			<input type="checkbox"/> 720 Labor/Management Relations	<input type="checkbox"/> 861 HIA (1395ff)		<input type="checkbox"/> 850 Securities/Commodities/ Exchange	
			<input type="checkbox"/> 740 Railway Labor Act	<input type="checkbox"/> 862 Black Lung (923)		<input type="checkbox"/> 890 Other Statutory Actions	
			<input type="checkbox"/> 751 Family and Medical Leave Act	<input type="checkbox"/> 863 DIWC/DIWW (405(g))		<input type="checkbox"/> 891 Agricultural Acts	
			<input type="checkbox"/> 790 Other Labor Litigation	<input type="checkbox"/> 864 SSID Title XVI		<input type="checkbox"/> 893 Environmental Matters	
			<input type="checkbox"/> 791 Employee Retirement Income Security Act	<input type="checkbox"/> 865 RSI (405(g))		<input type="checkbox"/> 895 Freedom of Information Act	
				FEDERAL TAX SUITS		<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)	<input type="checkbox"/> 896 Arbitration
				IMMIGRATION		<input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision
						<input type="checkbox"/> 462 Naturalization Application	<input type="checkbox"/> 950 Constitutionality of State Statutes
						<input type="checkbox"/> 465 Other Immigration Actions	
REAL PROPERTY							
<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 463 Alien Detainee					
<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 510 Motions to Vacate Sentence					
<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 530 General					
<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 443 Housing/ Accommodations	<input type="checkbox"/> 535 Death Penalty					
<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 445 Amer. w/Disabilities - Employment	Other:					
<input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 446 Amer. w/Disabilities - Other	<input type="checkbox"/> 540 Mandamus & Other					
	<input type="checkbox"/> 448 Education	<input type="checkbox"/> 550 Civil Rights					
		<input type="checkbox"/> 555 Prison Condition					
		<input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement					

V. ORIGIN *(Place an "X" in One Box Only)*

- ☐ 1 Original Proceeding ☒ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation - Transfer ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (*Do not cite jurisdictional statutes unless diversity*):
28 U.S.C. §§ 1332

Brief description of cause:
Suit for negligence and breach of contract

VII. REQUESTED IN COMPLAINT:

<input type="checkbox"/> CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.	DEMAND \$	CHECK YES only if demanded in complaint: JURY DEMAND: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
---	-----------	---

**VIII. RELATED CASE(S)
IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE _____

SIGNATURE OF ATTORNEY OF RECORD

Sep 16, 2022

John G. Browning

FOR OFFICE USE ONLY

RECEIPT #	AMOUNT	APPLYING IFP	JUDGE	MAG. JUDGE
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EXHIBIT 3

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
San Antonio DIVISION

Supplement to JS 44 Civil Cover Sheet
Cases Removed from State District Court

This form must be filed with the Clerk's Office no later than the **first business day** following the filing of the Notice of Removal. Additional sheets may be used as necessary.

The attorney of record for the removing party **MUST** sign this form.

STATE COURT INFORMATION:

1. Please identify the court from which the case is being removed; the case number; and the complete style of the case.

Cause No. 2022CI13970; Katherine A. Strus, Plaintiff v. LTF Club Operations Company, Inc., Defendant, In the 37th District Court of Bexar County, Texas.

2. Was jury demand made in State Court?



Yes



No

If yes, by which party and on what date?

Katherine A. Strus

07.26.2022

Party Name

Date

STATE COURT INFORMATION:

1. List all plaintiffs, defendants, and intervenors still remaining in the case. Also, please list the attorney(s) of record for each party named and include the attorney's firm name, correct mailing address, telephone number, and fax number (including area codes).

Plaintiff: Katherine A. Strus - Attorney: Jason J. Jakob, The Jakob Law Firm, PLLC, 1100 N.E. Loop 410, Suite 200, San Antonio, Texas 78209, Tel: (210) 226-4500 Fax: (210) 226-4502

Defendant: LTF Club Operation Company, Inc. - Attorney: John G. Browning, Spencer Fane LLP, 5700 Granite Parkway, Suite 650, Plano, Texas 75024, Tel: (972) 324-0320 Fax: (972) 324-0301

2. List all parties that have not been served at the time of the removal, and the reason(s) for non-service.

None.

3. List all parties that have been non-suited, dismissed, or terminated, and the reason(s) for their removal from the case.

NA

COUNTERCLAIMS, CROSS-CLAIMS, and/or THIRD-PARTY CLAIMS:

1. List separately each counterclaim, cross-claim, or third-party claim still remaining in the case and designate the nature of each such claim. For each counterclaim, cross-claim, or third-party claim, include all plaintiffs, defendants, and intervenors still remaining in the case. Also, please list the attorney(s) of record for each party named and include the attorney's firm name, correct mailing address, telephone number, and fax number (including area codes).

There are no such claims.

VERIFICATION:

John G. Browning

9/16/2022

Attorney for Removing Party

Date

LTF Club Operations Company, Inc.

Party/Parties

(NOTE: Additional comment space is available on page 3)

ADDITIONAL COMMENTS (As necessary):

EXHIBIT 4

2022CI13970

KATHERINE A. STRUS,

PLAINTIFF,

VS.

**LTF CLUB OPERATIONS COMPANY,
INC.**

DEFENDANT.

§
§
§
§
§
§
§
§
§

IN THE DISTRICT COURT

OF BEXAR COUNTY, TEXAS

37TH JUDICIAL DISTRICT

**DEFENDANT LTF CLUB OPERATIONS COMPANY, INC.'S
NOTICE OF FILING NOTICE OF REMOVAL**

Please take notice that on September 16, 2022, Defendant LTF Club Operations Company, Inc. filed a Notice of Removal pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, removing the above-captioned action from the 37th Judicial District Court of Bexar County, Texas, to the United States District Court for the Western District of Texas, San Antonio Division. A true and correct file-stamped copy of the Notice of Removal filed with the Western District of Texas, San Antonio Division is attached hereto as Exhibit 1.

Please take further notice that, upon filing the Notice of Removal with the Clerk of the United States District Court for the Western District of Texas, and filing copies thereof with the Bexar County District Clerk, the Defendant has effected removal and the 37th Judicial District Court of Bexar County, Texas, shall proceed no further in this action unless and until the case is remanded pursuant to 28 U.S.C. § 1446(d).

Respectfully submitted,

By: /s/ John G. Browning _____

JOHN G. BROWNING
State Bar No. 03223050
jrbrowning@spencerfane.com

SPENCER FANE, LLP
5700 Granite Parkway, Ste. 650
Plano, Texas 75024
(972) 324-0320 (Telephone)
(972) 324-0301 (Telecopier)

**ATTORNEYS FOR DEFENDANT LTF
CLUB OPERATIONS COMPANY, INC.**

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing Defendant's Notice of Filing Notice of Removal has been forwarded via ECF on this the 16th day of September, 2022 to the following:

Jason J. Jakob
The Jakob Law Firm, P.C.
1100 N.E. Loop 410, Suite 200
San Antonio, Texas 78209
jjakob@thejakoblaw.com

/s/ John G. Browning
John G. Browning